

# BEST AVAILABLE COPY

Application Serial No. 10/619,530

Page 6 of 8

Date August 10, 2004

Reply to Office Action dated June 17, 2004

## REMARKS

After entry of this Amendment, claims 1-4, 6-8, 10-13 and 16-20 are pending in the application. Claims 1-4, 6-8 and 10-12 are allowed. Claim 18 is objected to but the Examiner indicated it would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13, 16, 17, 19 and 20 are rejected. Claim 16 has been canceled. It is submitted that claims 13, 17, 19 and 20 are in an allowable condition. Furthermore, replacement drawings are being submitted. Reconsideration of this application as submitted is respectfully requested.

Claims 13, 16, 17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Pape (U.S. 6,487,984). The Examiner asserts "Pape discloses the same cleat as claimed including at least one full hand grip aperture, as shown in Figure 1, that is formed in said leg and, said cleat has a generally convex horn portion, as shown in Figure 1."

It is respectfully submitted that Pape does not disclose the features of the cleat set forth in claim 13, from which claims 17 and 19-20 depend. More particularly, Pape is devoid of hand grip means formed on the cleat for forming a hand grip surface capable of receiving a full human hand, the hand grip means being an aperture in the leg having a surface with the length to receive four fingers of a human hand and an outer surface of the leg having a substantially convex surface shape, as set forth in claim 13.

Applicant has submitted a Declaration under 37 C.F.R. 1.132 explaining the fact that the Pape cleat is designed for the specific purpose of insertion into a fishing rod holder. This limitation makes the Pape cleat impractical for use as a hand grip because the dimensions of the alleged hand grip aperture are too small. Boats used for sport fishing are outfitted with fishing rod holders along the stern (back end) of the boat. Within such boats, fishing rod holders fall within a standard size range of 1 and 5/8 inches and 2 inches. It is customary and standard knowledge in the industry of sport fishing that the standard size of the fishing rod holder indicates the approximate size of the aperture in the cleat. According to this well established

custom, the alleged hand grip aperture in the Pape cleat will be no more than 2 inches in size, making it impractical for usage as a hand grip means formed on the cleat for forming a hand grip surface capable of receiving a full human hand, the handgrip means being an aperture in the leg having a surface with the length to receive four fingers of a human hand, as set forth in claim 13, from which claims 17 and 19-20 depend. Applicant has submitted a Declaration with this Amendment to support this reasoning.

Furthermore, the outer surface of the leg of the Pape cleat has a substantially planar surface shape. In contrast, the outer surface of the leg of the present invention, as set forth in claim 13, has a substantially convex surface shape forming the leg with a convenient hand grip surface.

According to the foregoing reasons, it is respectfully submitted that the invention set forth in claim 13, from which claims 17 and 19-20 depend, is not anticipated by and patentably defines Pape.

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is submitted that claim 18 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In conclusion, claims 1-4, 6-8, and 10-12 are allowed. Claim 18 has been rewritten into independent form as the Examiner suggested for allowance.

Claims 13, 17 and 19-20 are being submitted in allowable condition; notice of which is respectfully requested.

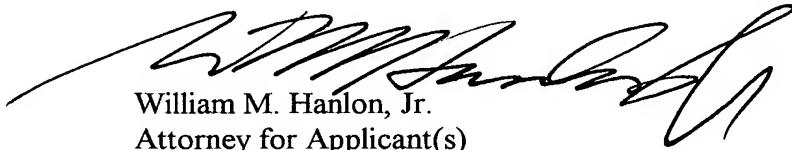
If the Examiner believes that prosecution of the present application can be expedited by way of an Examiner's Amendment, the Examiner is invited to contact Applicant's attorney at the telephone number listed below.

**Application Serial No. 10/619,530**  
**Date August 10, 2004**  
**Reply to Office Action dated June 17, 2004**

**Page 8 of 8**

Respectfully submitted,

YOUNG, BASILE, HANLON, MacFARLANE,  
WOOD & HELMHOLDT, P.C.



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Troy, Michigan 48084-3107

Dated: August 10, 2004  
WMH/MDJ/jel



Our Reference: SDV-100-A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Alin E. Steele

Serial Number:

10/619,530

Filing Date:

July 15, 2003

Examiner/Art Group Unit:

Lars A. Olson/3617

Title:

CLEAT

DECLARATION UNDER 37 C.F.R. 1.132

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Alin E. Steele, hereby declare that:

1. I am a registered Professional Engineer within the State of Michigan.
2. I have approximately eighteen (18) years of boating experience including ownership of power and sail boats, numerous hours of sailing experience, numerous hours of class instructional time on boat handling and work experience at a Marina.
3. I have reviewed U.S. Patent No. 6,487,984, issued to Pape on December 3, 2002.
4. Pape discloses a cleat designed for the specific purpose of insertion into a fishing rod holder.
5. Boats used for sport fishing are frequently outfitted with fishing rod holders located along the stern of the boat.
6. Fishing rod holders fall within a narrow standard size range between 1 and 5/8 inches and 2 inches as shown in the enclosed reference,

BoatUS.com., pages 169 and 170 wherein the standard size ranges are highlighted for the Examiner's convenience.

7. The standard size of the fishing rod holder indicates the approximate size of the intended cleat. As such, the aperture of the Pape cleat is approximately equal to the dimensions of the standard size range fishing rod holders which are between 1 and 5/8 inches and 2 inches. The enclosed document marked Figure A illustrates the dimensional limitation of the Pape cleat, as shown, the dimension marked X will be less than 2 inches.

8. An aperture in a cleat possessing such dimensions is too small and impractical to be used as hand grip means formed on the cleat for forming a hand grip surface capable of receiving a full human hand, the handgrip means being an aperture in the leg having a surface with the length to receive four fingers of a human hand, as set forth in claim 13 of my pending application.

9. My cleat dually serves the functionality of being a rope attachment as well as a hand hold. Referring to the enclosed documents marked Figure B and Figure C, the area noted as A shows the leg and base attachment for the Pape cleat and my cleat, respectively, as shown the leg of my cleat is structurally different in order to provide comfortable space for the fingers of a human hand, as set forth in claim 13 of my pending application.

10. Also shown in Figure B and Figure C, is the maximum force point. A cleated line will exert maximum force at the center point of the cleat on the outside surface, this is at the top of line B as illustrated in the figures. The greater relative distance on my cleat at this point allows room to receive four fingers of a human hand, as set forth in claim 13 of my pending application.

11. Also shown in Figure B and Figure C, my cleat has maximized the length of the constant diameter section marked D to provide a secure and comfortable hand hold grip.

12. Furthermore, based on my boating experience, cleats found on gunwales cannot be used as hand grips to enter the boat due to their low position during the act of stepping on the gunwale and then up and into or out of the boat.

13. To the best of my knowledge, I am not aware of any cleat that has ever been mounted on a dock post for use as a hand grip surface capable of receiving a full human hand, as set forth in claim 13, to aid in ingress and egress to and from the boat.

14. Cleats found on docks are typically mounted in horizontal position to allow for easy tying of boat lines and bumpers. In most cases, the top of the boat gunwale is a considerable distance above the dock to prevent any cleat on the dock from acting as a hand grip.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and furthermore, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or patent issued thereon.

Date: Aug 4, 2004

Alin E. Steele

Alin E. Steele

**Scotty Powerlock Rod Holder**

So many features for so little money! Designed for midsize rods, this holder gives you 12 horizontal and seven vertical positions of adjustment. An extra-wide slot lets you get the rod in and out more easily and the positive locking slip ring gives you quick rod access. The built-in two-way mounting bracket works on the side or top of the gunwale. Made of strong nylon with a wraparound top and a smooth radius on all edges. 9 1/2" L x 2" ID. Model 230. Mfr.'s lifetime limited warranty. Ship 2 lbs.

Item 365207 BoatU.S. \$28.99

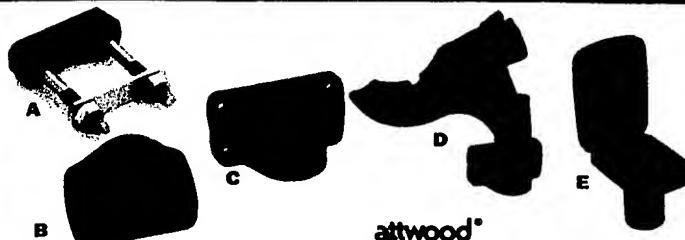
**Mounting Bracket** Combination side or deck mount. Model 241BK. Ship 1 lb.

Item 365255 BoatU.S. \$12.99

**Rail Mount Adapter** For 7/8-1" round rail or 1" square rail. Model 242BK. Ship 1 lb.

Item 365256 BoatU.S. \$12.99

**Scotty**  
DOWNLOADS



**attwood®**

**30° Flush-Mount Nylon Rod Holder**

Injection-molded, high-impact nylon plastic holders feature one-piece construction with a textured top surface. 9 1/2" L x 1 5/8" ID. Flange measures 3 1/2" W x 4 1/4" L. Mfr.'s lifetime limited warranty. Ship 0.5 lbs.

Black. Model 3447B—Item 365333 BoatU.S. \$7.99

White. Model 3447W—Item 365334 BoatU.S. \$7.99

**Stainless Steel Rod Holders**

30° angled rod holder in cast stainless steel with black soft vinyl liner and integral flip-up cap. 8 5/8" L x 1 5/8" ID. Imported. Mfr.'s lifetime limited warranty. Ship 3 lbs.

Cast 316 heavy-duty stainless steel. Shown. Model 6174BC—

Item 368109 BoatU.S. \$34.99

Stamped stainless steel. Not shown. Model 6174. Ship 2 lbs.—

Item 365339 BoatU.S. \$19.99

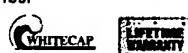
Replacement liner. White. Model S-1957. Ship 0.5 lbs.—

Item 365345 BoatU.S. \$2.99

**316 Stainless Steel Clamp-On Rail-Mount Rod Holder**

Rubber tip protects rod. 10" L with 1 7/8" ID. Fits 7/8" and 1" rails. Mfr.'s lifetime limited warranty. Model S-7004. Ship 3 lbs.

Item 365332 BoatU.S. \$39.99

**Stainless Steel Flush-Mount Rod Holders**

Angled at 30° for proper rod positioning. Include white vinyl liner. 9 1/4" L x 1 5/8" ID. Imported. Mfr.'s lifetime limited warranty.

Stamped 304 stainless steel holder. Not shown. Model S-096C.

Ship 2 lbs.—

Item 368018 BoatU.S. \$19.99

Cast heavy-duty 316 stainless steel holder. Shown. Model 6174C.

Ship 3 lbs.—

Item 368009 BoatU.S. \$30.99

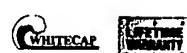
**Stainless Steel Rod Holder**

Easy-to-remove stainless steel rod holder adapts to any part of your boat and leaves no projecting hardware. Rubber tip protects rod. Bracket is 3 3/4" W x 4" L, holder measures 9" L x 1 7/8" ID. Model S-1957C. Imported. Mfr.'s lifetime limited warranty. Ship 3 lbs.

Item 368072 BoatU.S. \$32.99

Extra mounting plate. Model S-1957P. Ship 0.5 lbs.—

Item 368095 BoatU.S. \$8.99

**Pro-Series Rod Holders**

Pro-Series rod holders are designed for use with spinning and casting rods. Mounting bases provide 360° lift-and-turn horizontal adjustment and fail-safe retention. Rail mounts attach to round or square rails up to 1" dia., and include two stainless U-bolts, nuts, adapters, and heavy aluminum pre-drilled backing plates. Black. Mfr.'s five year limited warranty.

Description	Model	Item	Ship	BoatU.S.
A) Rail Mount	RM-32	360105	0.5 lbs.	\$8.99
B) Pedestal-Mount Base	5024-6	360113	0.5 lbs.	7.99
C) Side-Mount Base	5020-6	360111	0.5 lbs.	8.99
D) Rod Holder w/ Mount	5002-7	360110	2 lbs.	24.99
E) Flush-Mount Base w/ Cover	5022-6	360112	0.5 lbs.	7.99

**PERKO®**

**Angled Rod Holders**

Fixed 65° angle holders in your choice of metals. Item 368033 features a chrome-plated zinc flange. Item 368193 has a stainless steel flange. Item 368032 has a chrome-plated bronze flange. All have soft black plastic gaskets and integral flip-up caps. 1 5/8" ID and 2" OD. Made in U.S.A. Mfr.'s one year limited warranty. Ship 2 lbs.

Tube	Flange	Length	Bolts*	Model	Item	BoatU.S.
Anodized Aluminum	3 1/2" W x 4 1/4" L	8"	1/4"	1205 DP CHR	368033	\$29.99
Stainless Steel	3 3/8" W x 4 1/8" L	8 1/4"	#10	452 DP STS	368193	40.99
Chrome-Plated Brass	3 1/2" W x 4 1/4" L	8"	1/4"	448 DPT CHR	368032	44.99

\*Required, but not included.

Replacement liner. Fits Item 368033. Model 482 DP1 BLK.

Ship 0.5 lbs.—

Item 368142 BoatU.S. \$10.99

**Cap and Gasket Kits**

Use as replacement or upgrade for older holders. Soft black plastic flange gasket with integral flip-up cap and lip. Ship 0.5 lbs.

Fits Item 368193. Model 481 DP BLK.

Item 368041 BoatU.S. \$9.99

Fits Items 368033, 368193, and 368032. Model 482 DPI BLK.

Item 368039 BoatU.S. \$9.99



**PERKO®**

**Clamp-On Rod Holder**

Eliminate drilling your rail and make relocation easy! 9" L holder mounts on both horizontal and vertical rails from 7/8-1" dia. 1 5/8" ID and 2" OD. Hard black plastic liner. Adjusts to almost any angle. Made in U.S.A. Mfr.'s one year limited warranty.

Stainless steel with chrome plated zinc clamp. Model 1215 DPCR.

Item 368063 BoatU.S. \$34.99

Chrome plated brass with bronze clamp. Model 1118 DPCR.

Item 368070 BoatU.S. \$55.99

Replacement liner. Fits Item 368070. Model 483 DP1 BLK. Ship 0.5 lbs.—

Item 368141 BoatU.S. \$10.99

**Side-Mount Rod Holders**

30° rod holders mount on the side of your boat so you can easily track where your rod is and if you've got a bite. 4 1/8" W x 9 1/4" L. 1 5/8" tube ID. Uses #10 fasteners. Mfr.'s lifetime limited warranty. Ship 1 lb.

Stainless steel with black nylon liner. Shown. Model S-7001—

Item 365336 BoatU.S. \$9.99

Stainless steel with white nylon liner. Not Shown. Model S-7002—

Item 365337 BoatU.S. \$9.99

**Replacement Liners**

Ship 1 lb.

White. Model 6248—Item 365343

Black. Model 6247—Item 365344

BoatU.S. \$4.99



Tigress uses only the highest quality materials in the manufacture of their rod holders, including 300 series stainless steel and/or 316 stainless steel and heavy-duty vinyl. The fine polished finish is as durable as it is attractive. Tigress is committed to offering the best

quality products for anglers. They are continually expanding their line of rod holders, triggers, and accessories to meet your needs, as well as setting the standard of quality and excellence. Tigress products are covered by a mfr's one year limited warranty.

FISHING

## Tigress Flush-Mount Rod Holders

Head is cast of heavy-duty 316 stainless steel with a highly polished steel finish, and a cast 304 stainless steel tube. Available in three angles to best fit your boat and needs. Heavy white vinyl liners protect your rod. Ship 3 lbs.

### 15° Holder

1 5/8" ID with a 9" tube. Model 88529—  
Item 365312 BoatU.S. \$54.99

2" ID with a 12" tube. Model 88534—  
Item 365315 BoatU.S. \$79.99

### 30° Holder

1 5/8" ID with a 9" tube. Model 88525—  
Item 365310 BoatU.S. \$54.99

2" ID with a 12" tube. Model 88530—  
Item 365313 BoatU.S. \$64.99

### 90° Holder

1 5/8" ID with a 9" tube. Model 88527—  
Item 365311 BoatU.S. \$54.99

2" ID with a 12" tube. Model 88532—  
Item 365314 BoatU.S. \$79.99

## Tigress Rod Hangers

Efficient and easy storage for your rods. These anodized aluminum (except Item 365319 which is 316 stainless steel) hangers can support any rod. The closed end holds the butt of the rod, while the rod tip is placed in the open end. Both pieces have vinyl inserts to protect your rod—the insert on the open end rotates to lock your pole into place. For horizontal, vertical, or overhead mounting. Ship 0.5 lbs.

Silver. Model 88544—

Item 365316 BoatU.S. \$13.99

Gold. Model 88545—

Item 365317 BoatU.S. \$19.99

Black. Model 88546—

Item 365318 BoatU.S. \$21.99

Stainless steel. Model 88547—

Item 365319 BoatU.S. \$22.99

## Premium Rod and Reel Hangers

Gold anodized spring-loaded bracket holds reel in harness lugs. Rod tip end rotates to lock in the rod and store it up and out of the way. Compatible with Penn International and Shimano reels. Mfr's one year limited warranty. Ship 0.5 lbs. BoatU.S. \$29.99

For 30T Penn. Model 88702—Item 365370

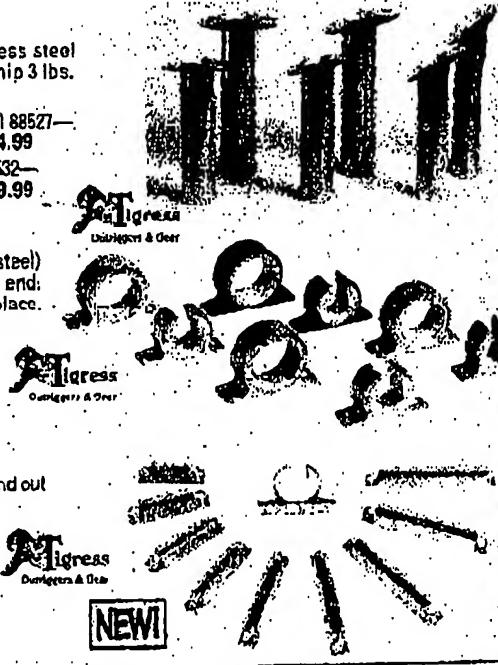
For T150 Shimano. Model 88708—Item 365373

For 50T Penn. Model 88703—Item 365371

For T150W Shimano. Model 88709—Item 365374

For 50TW Penn. Model 88704—Item 365372

For T150WLRS Shimano. Model 88710—Item 365375



NEW!

Measure from this point

#1

#2

#3

## Lee's 30° Fixed Angle and Fixed-Vertical Rod Holders

As the pioneer of commercial sportsfishing equipment, Lee's sets the standard for quality and value in American made rod holders. Available with 30° fixed or vertical fixed mounts, these durable open-ended holders are offered in chrome and stainless steel. 4" W x 5" L tops. Ship 3 lbs.



Type	Length	I.D.	Material	Model	Item	BoatU.S.
Angled	11"	1 13/16"	Chrome	RH530	365201	\$74.99
Angled	11"	1 3/4"	Stainless Steel	RH530 SS	365202	79.99
Vertical	12"	1 13/16"	Chrome	RH532V	365203	74.99
Vertical	12"	1 3/4"	Stainless Steel	RH532VS	365204	79.99

## Tigress Clamp-On Tulip Rod Holders

Tapered end rod holders and clamps are made of high luster 300 stainless steel and feature heavy-duty white vinyl liners to protect your rods. These holders are sized for mounting on any standard aluminum pipe for quick installation on your rails, top tower, or hard top. (Note that aluminum pipe is sized differently than standard stainless steel tube.) They install without drilling, and can be moved to different locations. Ship 1 lb.

Pipe	O.D.	Finish	Mounting	Direction	Model	Item	BoatU.S.
3/4"	1 1/16"	Silver	Horizontal	Horizontal	88180	365320	\$79.99
3/4"	1 1/16"	Gold	Horizontal	Horizontal	88180-1	365321	84.99
3/4"	1 1/16"	Silver	Vertical	Vertical	88181	365322	79.99
3/4"	1 1/16"	Gold	Vertical	Vertical	88181-1	365323	84.99
1"	1 5/16"	Silver	Horizontal	Horizontal	88182	365324	78.99
1"	1 5/16"	Gold	Horizontal	Horizontal	88182-1	365325	84.99
1"	1 5/16"	Silver	Vertical	Vertical	88183	365326	79.99
1"	1 5/16"	Gold	Vertical	Vertical	88183-1	365327	84.99
1 1/4"	1 21/32"	Silver	Horizontal	Horizontal	88184	365328	79.99
1 1/4"	1 21/32"	Gold	Horizontal	Horizontal	88184-1	365329	84.99
1 1/4"	1 21/32"	Silver	Vertical	Vertical	88185	365330	79.99
1 1/4"	1 21/32"	Gold	Vertical	Vertical	88185-1	365331	84.99

## Lee's Aluminum Clamp-On Rod Holders

The perfect solution for boats with wiring or hydraulic lines inside their tower legs, these tulip-style holders are easy to install, needing only an allen wrench. Easy to relocate to take best advantage of the fishing situation. Now you can install rod holders on your tower, hard top, top tower, radar arch, rails, piloting platform, or any other structure made from standard size aluminum pipe, without drilling holes. Holders are made from marine-grade cold-drawn tubing, anodized for protection. Bright silver. Use the measuring tape above to determine which size to order. Mail Order Only. Ship 3 lbs. BoatU.S. \$69.99

### Vertical

Size 1. Model RA5001SL—Item 365500  
Size 2. Model RA5002SL—Item 365501  
Size 3. Model RA5003SL—Item 365502

### Horizontal

Size 1. Model RA5201SL—Item 365504  
Size 2. Model RA5202SL—Item 365505  
Size 3. Model RA5203SL—Item 365508

## Clamp-On Rod Holders

Constructed from cold-drawn aluminum, these seamless rod holders are durable, and have an extra tight grip. Available in silver or gold anodized for maximum protection even in tough marine conditions. Mfr's one year limited warranty. Ship 3 lbs.

Pipe	O.D.	Finish	Mounting	Direction	Model	Item	BoatU.S.
3/4"	3/8"	Silver	Horizontal	Horizontal	88160	365350	\$89.99
3/4"	3/8"	Gold	Horizontal	Horizontal	88160-1	365351	94.99
3/4"	3/8"	Silver	Vertical	Vertical	88161	365352	89.99
3/4"	3/8"	Gold	Vertical	Vertical	88161-1	365353	94.99
1"	21/64"	Silver	Horizontal	Horizontal	88162	365354	89.99
1"	21/64"	Gold	Horizontal	Horizontal	88162-1	365355	94.99
1"	21/64"	Silver	Vertical	Vertical	88163	365356	89.99
1"	21/64"	Gold	Vertical	Vertical	88163-1	365357	94.99
1 1/4"	1 21/32"	Silver	Horizontal	Horizontal	88184	365358	89.99
1 1/4"	1 21/32"	Gold	Horizontal	Horizontal	88184-1	365359	94.99
1 1/4"	1 21/32"	Silver	Vertical	Vertical	88185	365360	89.99
1 1/4"	1 21/32"	Gold	Vertical	Vertical	88185-1	365361	94.99

Page

U.S. Patent Dec. 3, 2002 Sheet 2 of 4

US 6,487,984 B1

U.S. Patent

Dec. 3, 2002

Sheet 2 of 4

$$X = 1 \frac{5}{8}'' + 0.2''$$

12

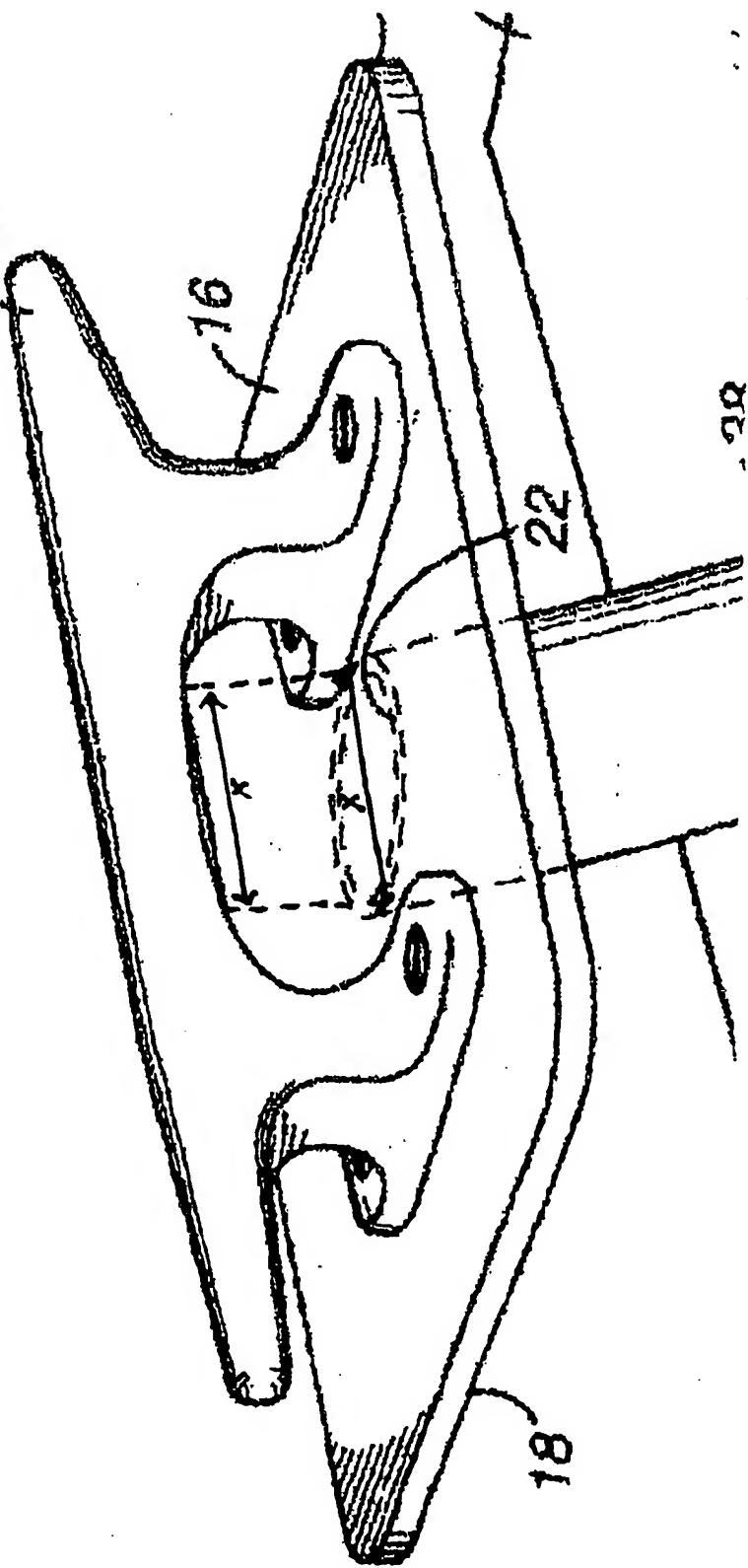
16

18

22

20

Figure A



Page

U.S. Patent

Dec. 3, 2002 Sheet 2 of 4

US 6,487,984 B1

# U.S. Patent

Dec. 3, 2002 Sheet 2 of 4

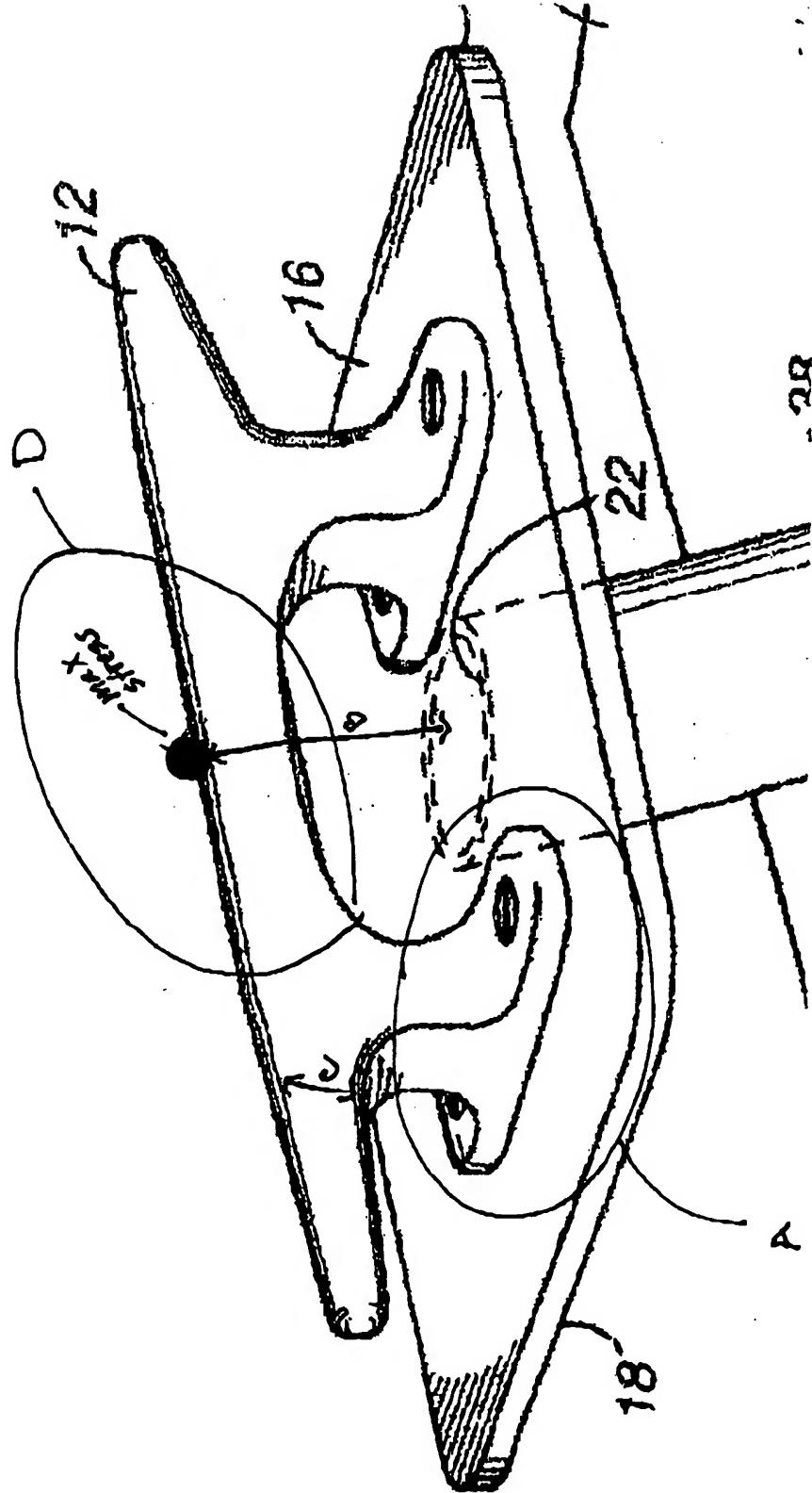


Figure B

Figure C

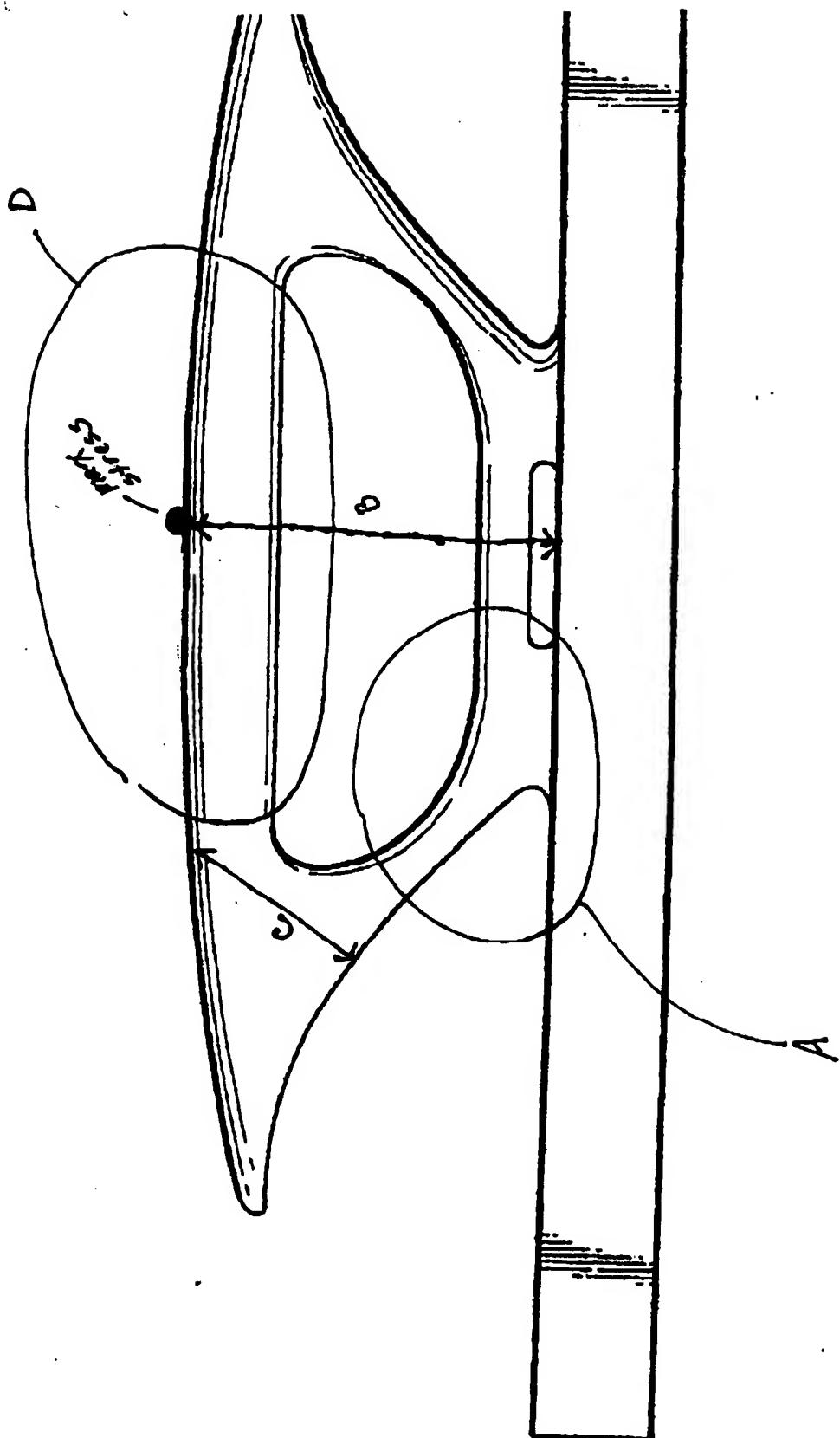
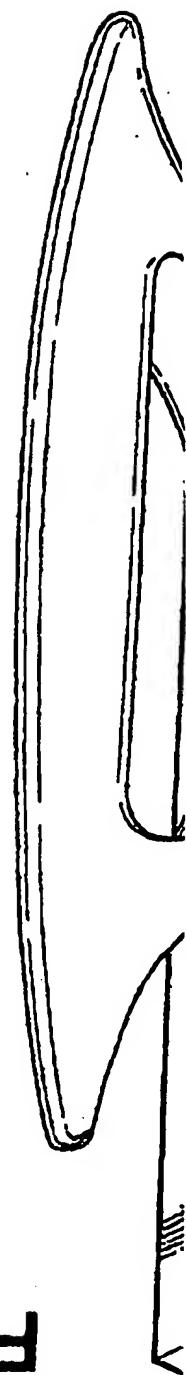


FIG - 1



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